

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Fotouhi, David
Sent: Wed 11/15/2017 6:41:24 PM
Subject: FW: For your review: proposed document release in response to FOIA request relating to WOTUS Rule
2017.04.19 FOIA Request to EPA RE Waters of the US in CWA.pdf
FOIA Request EPA EO 13778 .pdf

FYI

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From: Dubey, Susmita
Sent: Tuesday, November 14, 2017 1:27 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: For your review: proposed document release in response to FOIA request relating to WOTUS Rule

Below for your review is a link to a proposed document release under the Freedom of Information Act relating to the Waters of the United States Rule. The production is scheduled for November 30.

Background

On March 22, 2017, EPA received a FOIA request from the Center for Biological Diversity (CBD) requesting certain records relating to the development and implementation of EO 13778, relating to the Waters of the United States Rule. On April 19, EPA received a second request from CBD requesting records relating to EPA's revision of the rule. On June 1, CBD filed a complaint in the federal district court for the District of Columbia alleging that EPA failed to respond to the first request. Subsequently, CBD amended its complaint to add allegations claiming that EPA failed to respond to the April 19 request. On September 29, EPA filed a status report with the court describing the search it was conducting and explaining that the search conducted for both requests identified approximately 90,000 potentially responsive records. EPA further stated that it intended to review 2000 documents per month and would produce a monthly rolling release of responsive, non-privileged documents, with the first release on or about November 30.

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Proposed production

The proposed document release for the November 30 production is available through the Sharepoint link below, in four separate pdf files. I have also attached the FOIA requests at issue. The proposed release includes 134 documents totaling approximately 1300 pages, and reflects a search conducted for responsive documents created between January and April 2017.

Ex. 5 - DP, AC, AWP

Ex. 5 - DP, AC, AWP

Please send me any comments via email, referencing the DOC ID (stamped on the bottom of each page). I will then be able to go into Relativity and address any concerns. Please feel free to contact me with any questions. Thank you for your time on this.

https://usepa-my.sharepoint.com/personal/dubey_susmita_epa_gov/Documents/CBD%20FOIA%20P

Susmita Dubey

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